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**Date:** 2/1/2013 2:53 AM  
**Subject:** ADM File No 2012-19 Comment

I am providing this comment in response to the proposed change to MCR 3.913. I find the addition that a nonattorney referee may issue an ex parte placement order under MCR 3.963(B) highly objectionable and respectfully request that it be stricken.

This is a move in the wrong direction for the protection of the rights of families and children in Michigan and in fact expands the recently enacted legislation. Non attorneys should not be allowed to sign ex-parte orders to remove children from their parents. This is the most critical decision to be made in an abuse and neglect case. You cannot reverse the damage done to a child when you remove them from their parents and place them with strangers. It is a very traumatic experience for all involved. Protections need to be in place to ensure that this is only done when absolutely necessary and that all components of the law are complied with. It is often a case of applying the facts of the situation to the law. An analysis that only a trained and very experienced family law attorney should make.

This type of change perpetuates the idea that family law is so easy anyone can do it. After 17 years of practicing family law, I am here to tell you there is a difference between trying to do it and doing it right. That difference results in directly affecting the outcome of a child's life and the entire direction that their life may take from that point forward. A great responsibility that shouldn't be taken lightly. Yet, we seem to be heading in the path of lessening the protections for those who cannot protect themselves.

There is no standard of training for non attorney referees. They have not had three years of law school and are not subject to the same rules as an attorney. They are not required to pass an ethics exam. They have had no experience working as either a guardian ad litem, prosecutor, or respondent's attorney.

It is a dangerous, slippery slope to allow such a change in who makes these critical decisions to occur. It should also be noted that under this new procedure a parent would have a very difficult time getting a review of such a decision in a timely manner. The requirement that a preliminary hearing be conducted within 24 hours is a complete farce in most counties; as the initial preliminary hearing is generally adjourned to secure the appearance of a guardian ad litem. That means that most parents don't even get their first meaningful hearing for 14 days. That is 14 days of a child's life that neither the child or the parent can get back. That is 14 days of staying with a stranger, when a relative isn't available. That is 14 days of injustice if the wrong decision was made. Court dockets are such that most judges would not get the objection to the order of removal in any faster.

Removing a child from his or her home is a very serious matter and should only be entrusted to a Judge or a highly skilled and trained attorney referee. We should make sure that every possible protection is in place, to ensure that this doesn't happen inappropriately.